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August 21, 2002

Kenneth G. Ammon, P.E.
Director, Water Supply Department
South Florida Water Management District
P.O. Box 24680
West Palm Beach, FL 33416-4680

Re: Reservation White Paper

Dear Mr. Ammon:

Thank you for the opportunity to comment on the June 25, 2002 "Reservations of Water for the Environment and Assurances for Existing Legal Sources Consistent with Federal and State Law." The document is extensive and clearly shows a tremendous amount of staff work in its development. Despite this, we continue to have some basic questions regarding the proposed concepts. In hopes of continuing the dialogue we have set these forth below. The focus of these comments is on the "Guiding Principles", as the cornerstones for the paper. Please note that due to the conflicting deadlines of other related projects, additional detailed comments will be provided under separate cover.

OVERALL COMMENTS

We still are concerned that the District continues to prepare the policies and papers dealing with water supply in what appears to be an unrelated manner. This paper deals with reservations, but it does not cross reference the impact on the Lower East Coast Plan, water shortages, permit renewals, supply side management, adaptive protocols and water resource development.

Water Needs for CERP - and Non-CERP Projects

Of primary concern is the intent of the document. Page 5. lines 7-13, state that the purpose of the paper is twofold. One purpose is to provide for the process of reserving water for CERP. The second purpose is to identify issues for the entirety of the natural system.

As the discussion on these subjects continues, we are beginning to question whether both purposes should be contained in the same document. Under WRDA, the responsibility of the District is to provide protections under state law for the water "made available by the (CERP) Projects." This protection is developed for "new water", that is water that is made available by CERP for the natural system. Should the process that determines the new water from CERP be contained in the same document that details the water needed for healthy ecosystem protection for projects outside of CERP? Are they the same process?

State and Federal Law

The establishment of reservations is a matter of state law. Section 373.223(4) F.S. This was recognized in WRDA 2000. However, the paper continues to indicate that reservations will be made consistent with "state and federal law". Clarification of the reference to federal law would be appreciated.

State Law

State law requires balance and several parts of the paper seem to focus only on the natural system part of the equation. State law requires the water management district to fund and implement water resource development. 373.081(3). F.S. If this paper is an overall commitment for reservations, the water resource development component should be evaluated concurrently.

GUIDING PRINCIPLES

The guiding principles on pages 12-14 establish the policies that will determine the model. These policies are translated into assumptions which will then dictate the quantity of water available for future use through permitting, actual deliveries, reservations, and the saving clause.

General System Wide/ Regional System Conditions

The paper uses the December 2000 date as it is the same date of the savings clause. However, we are unaware of the hydrologic/climatic significance of that year. Was it average? A dry period, wherein insufficient water existed to provide for the 1 in 10 level of certainty or was it an above average period wherein there was excess water going to the natural system?

Why should the December 2000 date be utilized for the reservation process other than for the purpose of source switching under WRADA. Consider Section 373.223(4) F.S., which protects existing legal uses of water that are within the public interest. We recommend updating the model to the current year for all non-CERP reservation purposes.

Summarizing the use to reflect demands under varying rainfall can be done using actual acreage or permitted acreage for agriculture. However, public water supply demands are more complex. Is it appropriate to use averages when climatic conditions are also important to urban demands, as irrigation use can be major demand on some utilities?

Hydrologic Conditions

We concur that the model should be brought current and that rainfall and ET will be added to the period of record for the CERP Projects. (1965 to 2000). However, we suggest that the 2001 year should be included in the period of record so that the most recent, and the most significant, water shortage is reflected.

We question why the issue of estimating supplemental irrigation requirements is raised in this paper. The LEC/RESTUDY model used AFSIRS to calculate the irrigation demands.

Physical Conditions Structures

To determine if the model should reflect the natural system projects that were authorized but not constructed, one needs to determine what the use of the model will be. In addition, it appears that the same principle should apply to all authorized but not constructed choices, including the permitted but not utilized demands.

Operational Conditions

Similar to the above discussion, the question of experimental water deliveries must be asked in light of the use of the model. All human uses that were anticipated to become operational should also be included.

Supply/Source Conditions

Before determining the supply source conditions parameters, we need to know what significance will be attached to each of these sources. All uses will have a local rainfall component. For example, if it is raining, the natural system will be receiving rain as will the agricultural crops. The aquifer will be replenished. Statistically supplemental crop requirements will not be allocated during these events for either commercial or homeowner irrigation.

The reasons for the distinctions of primary, secondary and tertiary supply are not explained. We will assume that rainfall is used directly or indirectly by all users, including the natural system. The secondary source becomes the one that is subject to debate. For instance, the LOSA service area has the lake as a secondary source. While Miami-Dade service area has the secondary source, Biscayne aquifer, with Lake the tertiary source. This becomes very confusing as the operational protocols drive the Lake. Is the intent to differentiate between the regional system and a source not dependant on the regional system? Or is it the intent to give some users (or natural system) a priority? How does this correlate with the present rule that protects a given quantity of water for recharge of the LEC (under supply side management) but does not place the same burden for cutbacks on LEC users as those within LOSA? This may be addressed in modified supply side management and water shortage rules.

The concept of the water bank account requires further explanation. We are having difficulty understanding the impact on permittees of the process that is explained later on page 23.

Demand Conditions

The District modeled the demand conditions for existing and future water needs in the Lower East Coast Plan. In that plan, the District concluded that the needs of both the natural systems and the users would be met in 2020. Between now and 2020, users, including human and natural system, all would share in the adversity.

Irrigation demands should be calculated based upon permitted acreage. Public Water demands should be calculated based upon the permitted per capita and populations. This is needed to equalize the human uses and the natural uses to provide for authorized but not constructed projects.

The conclusion over the Blaney model should be clarified. Blaney is accurate (equivalent to ASIRS) for determining the quantity of water needed during a 1 in 10 year drought.

One concern the users have is whether it is fair to apply ASIRS to supply side management during drought cutbacks. That is not a modeling issue for reservations. It is a critical issue that is part of the entire package of water issues. During water cutbacks, there should be fairness in how the cutbacks are managed, i.e., 15% for a phase 1, 30% for a phase 2 and 45% for a phase 3. Among user classes, the water shortage policy was to spread the adversity so that no one class suffered a disproportionate share of the cutback. This issue needs to be addressed in the ongoing rulemaking for water shortage changes.

How will the non-consumptive uses in urban and agricultural service areas be accounted for? As an example, a permit that includes mitigation may have assumed a certain water table elevation under existing conditions. If operations change that and it is lower, the success of the mitigation may be less. Will these wetlands be protected with the same level of water table? Projects with protected wetlands were evaluated based upon a certain level of water delivery, perhaps as part of a diversion and impoundment system. If the allocation is changed, how will these wetlands be protected?


We are also concerned that an important general principle is missing from this discussion. Wetlands within developed areas, agricultural and urban projects that rely upon existing water deliveries must continue to be protected through the existing water deliveries that are tied to diversion and impoundment permits. The surface water management or ERP reviews considered the water elevations by the drainage districts determined if the wetlands were to be impacted, and how they would perform if mitigated.

How will the water discharged to tide be quantified? What amount of this water is being captured by CERP? How much of it is providing a non consumptive use benefit, such as for wetland storage? And what quantity is then remaining to be permitted for new uses?

Conclusion

Once again, thank you for the opportunity to comment. As you can see by the above questions, we have significant basic issues with the manner that the paper is presented. Perhaps additional workshops where staff can explain the concepts and respond to questions will assist in continuing to move forward on the important issue of reservation. We are looking forward to continuing such dialogue with the District.

Sincerely,


Irene Kennedy Quincey
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